

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CAPTAIN NANCY S. DIETZ,

Plaintiff,

V.

**MAYOR JAMES M BAKER,
individually and in his official capacity
as the Mayor of the City of Wilmington,
and MAYOR AND COUNCIL OF
WILMINGTON,**

Defendants.

[illegible]

FILED UNDER SEAL

C.A.No.06-256-SLR

**SEALED VOLUME OF APPENDIX TO PLAINTIFF'S OPENING BRIEF IN SUPPORT
OF HER MOTION FOR FULL AND/OR PARTIAL SUMMARY JUDGMENT
(Part I - A0335 - 793)**

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Dated: July 27, 2007

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CAPTAIN NANCY S. DIETZ,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 06-256
)	
JAMES M. BAKER, et al.)	JURY TRIAL DEMANDED
)	
Defendants.)	

**DEFENDANT CITY OF WILMINGTON'S RESPONSES AND ANSWERS TO
PLAINTIFF'S FIRST SET OF INTERROGATORIES DIRECTED TO DEFENDANTS**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendant City of
Wilmington, by its undersigned attorneys, hereby answers and serves the following answers to
Plaintiff's First Set of Interrogatories.

GENERAL OBJECTION

Defendant objects to Plaintiff's First Set of Interrogatories on the ground that they violate
paragraph 2(b) of the Rule 16 Scheduling Order in this case, which provides that each party may
not propound more than 50 interrogatories to any other party. Interrogatory No. 1 consists of
seven subparts. Interrogatory No. 4 consists of 22 subparts because it asks Defendant to provide
two categories of information (that is, (1) state names and addresses of all persons with
knowledge of certain facts, and (2) describe all documents recording or referring to such facts)
for each of the 11 affirmative defenses in Defendant's City of Wilmington's Answer to the
Complaint. Plaintiff's Interrogatory No. 8, as amended in accordance with an email message
from counsel for Plaintiff, consists of 90 subparts because it asks Defendant to provide two
categories of information (that is, (1) describe all persons with knowledge of certain facts, and
(2) describe all documents recording or referring to such facts) for each of the 45 denials in

Defendant's City of Wilmington's Answer to the Complaint. There are also six other interrogatories, for a total of more than 100 interrogatories, including subparts.

ANSWERS AND OBJECTIONS

1. Identify by name, last known address and phone number, job title, term in office, gender and race of each person who has held the rank of Inspector with the Wilmington Police Department from 1950 through the present date.

ANSWER: Objection. This interrogatory seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, because it would require many hours of research to attempt obtain the information sought by this interrogatory, it is unduly burdensome. This interrogatory, taken together with the other interrogatories propounded in Plaintiff's First Set of Interrogatories, violates paragraph 2(b) of the Rule 16 Scheduling Order in this case, which provides that each party may not propound more than 50 interrogatories to any other party. This interrogatory consists of seven subparts. Plaintiff's Interrogatory No. 4 consists of 22 interrogatory subparts because it asks Defendant to provide two categories of information (that is, (1) state names and addresses of all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 11 affirmative defenses in Defendant's City of Wilmington's Answer to the Complaint. Plaintiff's Interrogatory No. 8, as amended in accordance with an email message from counsel for Plaintiff, consists of 90 interrogatory subparts because it asks Defendant to provide two categories of information (that is, (1) describe all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 45 denials in Defendant's City of Wilmington's Answer to the Complaint. There are also six other interrogatories, for a total of more than 100 interrogatories, including subparts.

Subject to and without waiver of these objections, Defendant City of Wilmington answers as follows.¹ The following individuals, all of whom are male, have held the rank of inspector during the period from 1980 until the present:

Name	Term in Office²	Title	Race
Keith Ash	3/7/97 - 2/20/98		African-American
Michael A. Boykin	11/4/95 - 3/6/97		African-American
Charles E. Bryan, III	12/15/78 - 2/16/82		White
Lawrence H. Curtis	10/14/81 - 9/1/83		White
R. Michael Dixon	2/5/93 - 9/22/95		African-American
John G. P. Doherty	1/29/83 - 9/17/86		White
Martin Donohue	7/31/99 - present	Investigative Operations Inspector	White
Charles A. Dougherty	7/2/83 - 3/3/90		White
William Draper	5/8/89 - 10/18/94		White
Stanley Friedman	4/3/79 - 2/24/84_		White
Preston J. Hickman	9/30/87 - 7/7/89		African-American
Gilbert Howell	10/29/05 to present	Uniformed Operations Inspector	African-American
Ronald Huston	5/22/99 - 7/30/99	Investigative Operations Inspector	White
John W. Johnson	10/12/81 - 12/12/87		African-American
Richard LaFashia	2/8/89 - 5/7/89		White
Eugene G. Maloney	10/16/73 - 12/15/83		White
Kenneth Miles	7/6/78 - 3/6/82		African-American
John T. Murray	3/22/97 - 5/21/99		White
Donald Payne	5/16/83 - 3/21/89		White
Samuel D. Pratcher	7/3/89 - 1/7/93		African-American
Guy Sapp	9/30/87 - 12/21/88		White

¹ The City of Wilmington is attempting to retrieve records from which the missing information may be able to be obtained, and reserves the right to supplement this interrogatory answer.

² Term in office refers to date of appointment to rank of inspector through date of retirement or date of appointment to Chief of Police.

Name	Term in Office²	Title	Race
James Stallings	2/20/98 - 2/16/01	Uniformed Operations Inspector	African-American
John P. Vignola	10/29/94 - 3/7/97		White
James Wright	2/17/01-10/28/05	Uniformed Operations Inspector	African-American

2. Identify the percentages by gender for the labor force in the Wilmington Police Department from 1997 to the present.

ANSWER: Objection. This interrogatory is vague, overbroad and unduly burdensome because it does not designate any particular date or dates for which the information is sought, nor does it define the term "labor force." This interrogatory, taken together with the other interrogatories propounded in Plaintiff's First Set of Interrogatories, violates paragraph 2(b) of the Rule 16 Scheduling Order in this case, which provides that each party may not propound more than 50 interrogatories to any other party. Interrogatory No. 1 consists of seven subparts. Interrogatory No. 4 consists of 22 subparts because it asks Defendant to provide two categories of information (that is, (1) state names and addresses of all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 11 affirmative defenses in Defendant's City of Wilmington's Answer to the Complaint. Plaintiff's Interrogatory No. 8, as amended in accordance with an email message from counsel for Plaintiff, consists of 90 subparts because it asks Defendant to provide two categories of information (that is, (1) describe all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 45 denials in Defendant's City of Wilmington's Answer to the Complaint. There are also six other interrogatories, for a total of more than 100 interrogatories, including subparts.

Subject to and without waiving this objection, Defendant City of Wilmington refers Plaintiff to the following documents: D00832-842, D03153-3160.

3. Identify the percentages by race for the labor force in the Wilmington Police Department from 1997 to the present.

ANSWER: Objection. This interrogatory is vague, overbroad and unduly burdensome because it does not designate any particular date or dates for which the information is sought, nor does it define the term "labor force." This interrogatory, taken together with the other interrogatories propounded in Plaintiff's First Set of Interrogatories, also violates paragraph 2(b) of the Rule 16 Scheduling Order in this case, which provides that each party may not propound more than 50 interrogatories to any other party. Interrogatory No. 1 consists of seven subparts. Interrogatory No. 4 consists of 22 subparts because it asks Defendant to provide two categories of information (that is, (1) state names and addresses of all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 11 affirmative defenses in Defendant's City of Wilmington's Answer to the Complaint. Plaintiff's Interrogatory No. 8, as amended in accordance with an email message from counsel for Plaintiff, consists of 90 subparts because it asks Defendant to provide two categories of information (that is, (1) describe all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 45 denials in Defendant's City of Wilmington's Answer to the Complaint. There are also six other interrogatories, for a total of more than 100 interrogatories, including subparts.

Subject to and without waiving this objection, Defendant City of Wilmington refers Plaintiff to the following documents: D00832-842, D03161-3166.

4. If in your Answer you have raised any affirmative defenses, state, individually for each such defense, the names and present or last known addresses of all persons having

knowledge of any such facts, and the description or designation of each document, as defined in Rule 34(a), which in any way records or refers to any such facts.

ANSWER: Objection. This interrogatory, taken together with the other interrogatories propounded in Plaintiff's First Set of Interrogatories, violates paragraph 2(b) of the Rule 16 Scheduling Order in this case, which provides that each party may not propound more than 50 interrogatories to any other party. Interrogatory No. 1 consists of seven subparts. This interrogatory consists of 22 subparts because it asks Defendant to provide two categories of information (that is, (1) state names and addresses of all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 11 affirmative defenses in Defendant's City of Wilmington's Answer to the Complaint. Plaintiff's Interrogatory No. 8, as amended in accordance with an email message from counsel for Plaintiff, consists of 90 subparts because it asks Defendant to provide two categories of information (that is, (1) describe all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 45 denials in Defendant's City of Wilmington's Answer to the Complaint. There are also six other interrogatories, for a total of more than 100 interrogatories, including subparts.

Subject to and without waiving this objection, Defendant answers as follows:

1. **First Affirmative Defense** (All of Defendant's actions with regard to Plaintiff were taken in good faith and for legitimate non-discriminatory reasons.)

- a. Persons with knowledge: Mayor James M. Baker.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City

Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

2. **Second Affirmative Defense** (Plaintiff has failed to state a claim on which relief can be granted.)

- a. Persons with knowledge: Not applicable.
- b. Documents: Not applicable.

3. **Third Affirmative Defense** (The actions and conduct of the Defendant do not rise to the level of a constitutional or statutory violation and, therefore, Plaintiff did not suffer any infringement of her constitutional rights or rights secured by a federal statute.)

- a. Persons with knowledge: Not yet determined.
- b. Documents: Not yet determined.

4. **Fourth Affirmative Defense** (Plaintiff is not entitled to punitive damages, nor is the Defendant subject to an award of punitive damages.)

- a. Persons with knowledge: Not applicable.
- b. Documents: Not applicable.

5. **Fifth Affirmative Defense** (Defendant City of Wilmington has not authorized or ratified any discriminatory actions in the appointment of Police Department Inspectors.)

- a. Persons with knowledge: James M. Baker.
- b. Documents: Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049,

P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

6. **Sixth Affirmative Defense** (Plaintiff's claims are barred in whole or in part because Defendant exercised reasonable care to prevent and correct any discriminatory or retaliatory treatment, and Plaintiff unreasonably failed to take advantage of these preventative and corrective opportunities or to avoid harm otherwise.)

a. Persons with knowledge: James M. Baker, Nancy Dietz.

b. Documents: P023-24, P027-28, P032, P039, P041, P049, P055-070, P079, P084, D843, D844-849, D00850-869, D00870-889, D02570, D02571, D02574, D02720-2748.

7. **Seventh Affirmative Defense** (The actions of Defendants are not an actual or proximate cause of any damage or harm suffered by Plaintiff.)

a. Persons with knowledge: James M. Baker.

b. Documents: Not yet determined.

8. **Eighth Affirmative Defense** (Plaintiff's claims may be barred in whole or in part by the doctrine of after-acquired evidence. Defendant reserves the right to raise any defense that becomes known during the course of discovery in this action, including, without limitation, defenses based on the after-acquired evidence doctrine.)

a. Persons with knowledge: Not yet determined.

b. Documents: Not yet determined.

9. **Ninth Affirmative Defense** (Plaintiff's claims are barred in whole or in part by the statute of limitations.)

a. Persons with knowledge: All persons with knowledge of the fact that James Wright was appointed to the rank of Inspector on February 17, 2001.

b. Documents: Not yet determined.

10. **Tenth Affirmative Defense** (Plaintiff's claims are barred in whole or in part by the doctrine of laches.)

a. Persons with knowledge: All persons with knowledge of the fact that James Wright was appointed to the rank of Inspector on February 17, 2001.

b. Documents: Not yet determined.

11. **Eleventh Affirmative Defense** (The actions and conduct of the Defendant were consistent with the City of Wilmington's equal employment opportunity policy.)

a. Persons with knowledge: James M. Baker, William Montgomery.

b. Documents: P023-24, P027-28, P032, P039, P041, P049, P055-070, P079, P084, D843, D844-849, D00850-869, D00870-889, D02570, D02571, D02574, D02720-2748.

5. Identify each person who has been interviewed on your behalf or from whom an oral or written statement has been taken concerning the facts alleged in any pleading.

ANSWER: Objection. This interrogatory seeks information protected by the attorney work product doctrine, attorney client privilege, or both. In addition, this interrogatory, taken together with the other interrogatories propounded in Plaintiff's First Set of Interrogatories, violates paragraph 2(b) of the Rule 16 Scheduling Order in this case, which provides that each party may not propound more than 50 interrogatories to any other party. Interrogatory No. 1 consists of seven subparts. Interrogatory No. 4 consists of 22 subparts because it asks Defendant

to provide two categories of information (that is, (1) state names and addresses of all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 11 affirmative defenses in Defendant's City of Wilmington's Answer to the Complaint. Plaintiff's Interrogatory No. 8, as amended in accordance with an email message from counsel for Plaintiff, consists of 90 subparts because it asks Defendant to provide two categories of information (that is, (1) describe all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 45 denials in Defendant's City of Wilmington's Answer to the Complaint. There are also six other interrogatories, for a total of more than 100 interrogatories, including subparts.

6. Identify each person who has supplied information for the answers to each of these interrogatories and all requests for production of documents filed by Plaintiff.

ANSWER: Objection. This interrogatory seeks information protected by the attorney work product doctrine, attorney client privilege, or both. In addition, this interrogatory, taken together with the other interrogatories propounded in Plaintiff's First Set of Interrogatories, violates paragraph 2(b) of the Rule 16 Scheduling Order in this case, which provides that each party may not propound more than 50 interrogatories to any other party. Interrogatory No. 1 consists of seven subparts. Interrogatory No. 4 consists of 22 subparts because it asks Defendant to provide two categories of information (that is, (1) state names and addresses of all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 11 affirmative defenses in Defendant's City of Wilmington's Answer to the Complaint. Plaintiff's Interrogatory No. 8, as amended in accordance with an email message from counsel for Plaintiff, consists of 90 subparts because it asks Defendant to provide two categories of information (that is, (1) describe all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 45 denials in

Defendant's City of Wilmington's Answer to the Complaint. There are also six other interrogatories, for a total of more than 100 interrogatories, including subparts.

7. Identify each person whom you expect to call as an expert witness at trial, and state the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, a summary of the grounds for each opinion, and the dates of any reports relating thereto.

ANSWER: Objection. This interrogatory, taken together with the other interrogatories propounded in Plaintiff's First Set of Interrogatories, violates paragraph 2(b) of the Rule 16 Scheduling Order in this case, which provides that each party may not propound more than 50 interrogatories to any other party. Interrogatory No. 1 consists of seven subparts. Interrogatory No. 4 consists of 22 subparts because it asks Defendant to provide two categories of information (that is, (1) state names and addresses of all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 11 affirmative defenses in Defendant's City of Wilmington's Answer to the Complaint. Plaintiff's Interrogatory No. 8, as amended in accordance with an email message from counsel for Plaintiff, consists of 90 subparts because it asks Defendant to provide two categories of information (that is, (1) describe all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 45 denials in Defendant's City of Wilmington's Answer to the Complaint. There are also six other interrogatories, for a total of more than 100 interrogatories, including subparts.

Subject to and without waiving these objections, Defendant City of Wilmington has not yet determined whether it will call any expert witnesses at trial and reserves the right to supplement its answer to this interrogatory when and if it decides to call one or more expert witnesses.

8. For each denial or partial denial found in your Answer, which denies in whole or in part any allegation of the Complaint, state the names and last known addresses of all persons having knowledge of such facts, and the description or designation of each document, as defined in Rule 34(a), which in any way records or refers to such facts.

ANSWER: Objection. This interrogatory, taken together with the other interrogatories propounded in Plaintiff's First Set of Interrogatories, violates paragraph 2(b) of the Rule 16 Scheduling Order in this case, which provides that each party may not propound more than 50 interrogatories to any other party. Interrogatory No. 1 consists of seven subparts. Interrogatory No. 4 consists of 22 subparts because it asks Defendant to provide two categories of information (that is, (1) state names and addresses of all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 11 affirmative defenses in Defendant's City of Wilmington's Answer to the Complaint. Plaintiff's Interrogatory No. 8, as amended in accordance with an email message from counsel for Plaintiff, consists of 90 subparts because it asks Defendant to provide two categories of information (that is, (1) describe all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 45 denials in Defendant's City of Wilmington's Answer to the Complaint. There are also six other interrogatories, for a total of more than 100 interrogatories, including subparts.

Subject to and without waiving these objections, Defendant City of Wilmington responds as follows. With regard to the denials found in paragraphs 10-18, 67, 72 and 79 of the Amended Answer, Defendant City of Wilmington did not have sufficient information to determine the truthfulness of the allegations in the Complaint and therefore denied them. With regard to the other denials in the complaint, Defendant City of Wilmington responds as follows:

(1) Paragraph 20:

a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(2) Paragraph 23:

a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843,

D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(3) Paragraph 24:

a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(4) Paragraph 25:

a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter

§ 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(5) Paragraph 26:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(6) Paragraph 27:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084);

Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(7) Paragraph 33:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(8) Paragraph 34:

a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(9) Paragraph 35:

a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843,

D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(10) Paragraph 36:

a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(11) Paragraph 39:

a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter

§ 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(12) Paragraph 40:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(13) Paragraph 41:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084);

Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(14) Paragraph 42:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(15) Paragraph 43:

a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(16) Paragraph 44:

a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843,

D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(17) Paragraph 45:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(18) Paragraph 46:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter

§ 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(19) Paragraph 47:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(20) Paragraph 48:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084);

Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(21) Paragraph 49:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(22) Paragraph 50:

a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(23) Paragraph 51:

a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843,

D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(24) Paragraph 52:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(25) Paragraph 53:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter

§ 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(26) Paragraph 54:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(27) Paragraph 55:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084);

Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029);
Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington
City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter
§ 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209
(P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869,
D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843,
D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City
Code § 35-111.

(28) Paragraph 56:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(29) Paragraph 57:

a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(30) Paragraph 58:

a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843,

D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(31) Paragraph 59:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: P023-24, P027-28, P032, P039, P041, P049, P055-070, P079, P084, D843, D844-849, D00850-869, D00870-889, D02570, D02571, D02574, D02720-2748.

(32) Paragraph 60:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(33) Paragraph 62:

a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(34) Paragraph 63:

a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843,

D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(35) Paragraph 64:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(36) Paragraph 71:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter

§ 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(37) Paragraph 72:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(38) Paragraph 73:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084);

Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(39) Paragraph 74:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(40) Paragraph 77:

a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(41) Paragraph 78:

a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843,

D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(42) Paragraph 81:

a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(43) Paragraph 82:

a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter

§ 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(44) Paragraph 83:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(45) Paragraph 86:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084);

Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

9. Identify all documents, including all electronic documents, text messages or e-mail that refers or relates to either of the two promotions at issue in this case, or the selection of Gilbert Howell and James Wright and the decision not to select Plaintiff.

ANSWER: Objection. This interrogatory, taken together with the other interrogatories propounded in Plaintiff's First Set of Interrogatories, violates paragraph 2(b) of the Rule 16 Scheduling Order in this case, which provides that each party may not propound more than 50 interrogatories to any other party. Interrogatory No. 1 consists of seven subparts. Interrogatory No. 4 consists of 22 subparts because it asks Defendant to provide two categories of information (that is, (1) state names and addresses of all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 11 affirmative defenses in Defendant's City of Wilmington's Answer to the Complaint. Plaintiff's Interrogatory No. 8, as amended in accordance with an email message from counsel for Plaintiff, consists of 90 subparts because it asks Defendant to provide two categories of information (that is, (1) describe all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 45 denials in Defendant's City of Wilmington's Answer to the

Complaint. There are also six other interrogatories, for a total of more than 100 interrogatories, including subparts.

Subject to and without waiving these objections, see D00001- D03144.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

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Co-counsel for Defendants

Dated: March 2, 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CAPTAIN NANCY S. DIETZ,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 06-256-SLR
)	
JAMES M. BAKER, et al.)	JURY TRIAL DEMANDED
)	
Defendants.)	

**DEFENDANT CITY OF WILMINGTON'S SUPPLEMENTAL AND AMENDED
RESPONSES AND ANSWERS TO PLAINTIFF'S FIRST SET OF INTERROGATORIES
DIRECTED TO DEFENDANTS**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendant City of Wilmington, by its undersigned attorneys, hereby answers and serves the following answers to Plaintiff's First Set of Interrogatories.

GENERAL OBJECTION

Defendant objects to Plaintiff's First Set of Interrogatories on the ground that they violate paragraph 2(b) of the Rule 16 Scheduling Order in this case, which provides that each party may not propound more than 50 interrogatories to any other party. Interrogatory No. 1 consists of seven subparts. Interrogatory No. 4 consists of 22 subparts because it asks Defendant to provide two categories of information (that is, (1) state names and addresses of all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 11 affirmative defenses in Defendant's City of Wilmington's Answer to the Complaint. Plaintiff's Interrogatory No. 8, as amended in accordance with an email message from counsel for Plaintiff, consists of 90 subparts because it asks Defendant to provide two categories of information (that is, (1) describe all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 45 denials in

Defendant's City of Wilmington's Answer to the Complaint. There are also six other interrogatories, for a total of more than 100 interrogatories, including subparts.

ANSWERS AND OBJECTIONS

1. Identify by name, last known address and phone number, job title, term in office, gender and race of each person who has held the rank of Inspector with the Wilmington Police Department from 1950 through the present date.

ANSWER: Objection. This interrogatory seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. In addition, because it would require many hours of research to attempt obtain the information sought by this interrogatory, it is unduly burdensome. This interrogatory, taken together with the other interrogatories propounded in Plaintiff's First Set of Interrogatories, violates paragraph 2(b) of the Rule 16 Scheduling Order in this case, which provides that each party may not propound more than 50 interrogatories to any other party. This interrogatory consists of seven subparts. Plaintiff's Interrogatory No. 4 consists of 22 interrogatory subparts because it asks Defendant to provide two categories of information (that is, (1) state names and addresses of all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 11 affirmative defenses in Defendant's City of Wilmington's Answer to the Complaint. Plaintiff's Interrogatory No. 8, as amended in accordance with an email message from counsel for Plaintiff, consists of 90 interrogatory subparts because it asks Defendant to provide two categories of information (that is, (1) describe all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 45 denials in Defendant's City of Wilmington's Answer to the Complaint. There are also six other interrogatories, for a total of more than 100 interrogatories, including subparts.

Subject to and without waiver of these objections, Defendant City of Wilmington answers as follows. The following individuals (listed in alphabetical order), all of whom are male, have held the rank of inspector during the period from 1980 until the present:

All Inspectors, 1980 to Present (Alphabetical)			
Name	Title	Dates of Duty	Race
Keith Ash	Inspector of Uniformed Operations	3/7/97 to 2/20/98	African-American
Michael A. Boykin	Inspector of Investigative Operations	11/4/95 to 3/23/97	African-American
Charles E. Bryan, III	Inspector of Operations	12/15/78 to 9/28/81	White
Lawrence H. Curtis	Inspector of Operations	10/14/81 to 4/29/83	White
R. Michael Dixon	Inspector of Uniformed Operations	2/5/93 to 9/22/95	African-American
John G.P. Doherty	Inspector of Services	7/29/83 to 6/16/85	White
John G.P. Doherty	Inspector of Staff Inspections	6/17/85 to 6/6/86	White
Martin Donohue	Inspector of Investigative Operations	7/31/99 to present	White
Charles A. Dougherty	Inspector of Administration	5/16/83 to 6/30/89	White
William Draper	Inspector of Administration	5/8/89 to 10/28/94	White
Stanley Friedman	Inspector of Staff Inspections	3/12/79 to 2/15/81	White
Stanley Friedman	Inspector of Administration	2/16/81 to 6/30/83	White
Preston J. Hickman	Inspector of Community Services	9/30/87 to 12/27/88	African-American
Preston J. Hickman	Inspector of Operations	12/28/88 to 7/7/89	African-American
Gilbert Howell	Inspector of Uniformed Operations	10/29/05 to present	African-American
Ronald Huston	Inspector of Investigative Operations	5/27/99 to 7/30/99	White

All Inspectors, 1980 to Present (Alphabetical)			
Name	Title	Dates of Duty	Race
John W. Johnson	Inspector of Staff Inspections	10/14/81 to 6/16/85	African-American
John W. Johnson	Inspector of Community Services and Community Affairs	6/17/85 to 8/11/85	African-American
John W. Johnson	Inspector of Uniformed Services	8/12/85 to 3/29/87	African-American
John W. Johnson	Inspector of Community Services	3/30/87 to 7/31/87	African-American
Richard LaFashia	Inspector of Administration	2/8/89 to 5/12/89	White
Eugene G. Maloney	Inspector of Administration	10/26/75 to 2/15/81	White
Eugene G. Maloney	Inspector of Staff Inspections	2/16/81 to 10/13/81	White
Eugene G. Maloney	Inspector of Services	10/14/81 to 7/1/83	White
Kenneth Miles	Inspector of Services	7/6/78 to 10/13/81	African-American
John T. Murray	Inspector of Investigative Operations	3/22/97 to 5/26/99	White
Donald Payne	Inspector of Operations	5/16/83 to 8/11/85	White
Donald Payne	Inspector of Criminal Investigations	8/12/85 to 3/29/87	White
Donald Payne	Inspector of Operations	3/30/87 to 9/13/87	White
Samuel D. Pratcher	Inspector of Operations	7/3/89 to 1/7/93	African-American
Guy Sapp	Inspector of Operations	9/30/87 to 12/21/88	White
James Stallings	Inspector of Uniformed Operations	2/20/98 to 2/16/01	African-American
John P. Vignola	Inspector of Investigative Operations	10/29/94 to 11/3/95	White
John P. Vignola	Inspector of Uniformed Operations	11/4/95 to 3/7/97	White

All Inspectors, 1980 to Present (Alphabetical)			
Name	Title	Dates of Duty	Race
James Wright	Inspector of Uniformed Operations	2/17/01 to 10/28/05	African-American

The following tables list the inspectors in charge of the same or similar functions in chronological order:

Administration / Investigative Operations Inspectors			
Name	Title	Dates of Duty	Race
Eugene G. Maloney	Inspector of Administration	10/26/75 to 2/15/81	White
Stanley Friedman	Inspector of Administration	2/16/81 to 6/30/83	White
Charles A. Dougherty	Inspector of Administration	5/16/83 to 6/30/89	White
Richard LaFashia	Inspector of Administration	2/8/89 to 5/12/89	White
William Draper	Inspector of Administration	5/8/89 to 10/28/94	White
John P. Vignola	Inspector of Investigative Operations	10/29/94 to 11/3/95	White
Michael A. Boykin	Inspector of Investigative Operations	11/4/95 to 3/21/97	African-American
John T. Murray	Inspector of Investigative Operations	3/22/97 to 5/26/99	White
Ronald Huston	Inspector of Investigative Operations	5/27/99 to 7/30/99	White
Martin Donohue	Inspector of Investigative Operations	7/31/99 to present	White

Staff Inspections Inspectors			
Name	Title	Dates of Duty	Race
Stanley Friedman	Inspector of Staff Inspections	3/12/79 to 2/15/81	White
Eugene G. Maloney	Inspector of Staff Inspections	2/16/81 to 10/13/81	White

Staff Inspections Inspectors			
Name	Title	Dates of Duty	Race
John W. Johnson	Inspector of Staff Inspections	10/14/81 to 6/16/85	African-American
John G.P. Doherty	Inspector of Staff Inspections	6/17/85 to 6/6/86	White

Operations/Uniformed Operations Inspectors			
Name	Title	Dates of Duty	Race
Charles E. Bryan, III	Inspector of Operations	12/15/78 to 9/28/81	White
Lawrence H. Curtis	Inspector of Operations	10/14/81 to 4/29/83	White
Donald Payne	Inspector of Operations	5/16/83 to 8/11/85	White
John W. Johnson	Inspector of Uniformed Services	8/12/85 to 3/29/87	African-American
Donald Payne	Inspector of Operations	3/30/87 to 9/13/87	White
Guy Sapp	Inspector of Operations	9/30/87 to 12/21/88	White
Preston J. Hickman	Inspector of Operations	12/28/88 to 7/7/89	African-American
Samuel D. Pratcher	Inspector of Operations	7/3/89 to 1/7/93	African-American
R. Michael Dixon	Inspector of Uniformed Operations	2/5/93 to 9/22/95	African-American
John P. Vignola	Inspector of Uniformed Operations	11/4/95 to 3/7/97	White
Keith Ash	Inspector of Uniformed Operations	3/7/97 to 2/20/98	African-American
James Stallings	Inspector of Uniformed Operations	2/20/98 to 2/16/01	African-American
James Wright	Inspector of Uniformed Operations	2/17/01 to 10/28/05	African-American
Gilbert Howell	Inspector of Uniformed Operations	10/29/05 to present	African-American

Services/Community Services/Criminal Investigations Inspectors			
Name	Title	Dates of Duty	Race
Kenneth Miles	Inspector of Services	7/6/78 to 10/13/81	African-American
Eugene G. Maloney	Inspector of Services	10/14/81 to 7/1/83	White
John G.P. Doherty	Inspector of Services	7/29/83 to 6/16/85	White
John W. Johnson	Inspector of Community Services and Community Affairs	6/17/85 to 8/11/85	African-American
Donald Payne	Inspector of Criminal Investigations	8/12/85 to 3/29/87	White
John W. Johnson	Inspector of Community Services	3/30/87 to 7/31/87	African-American
Preston J. Hickman	Inspector of Community Services	9/30/87 to 12/27/88	African-American

2. Identify the percentages by gender for the labor force in the Wilmington Police Department from 1997 to the present.

ANSWER: Objection. This interrogatory is vague, overbroad and unduly burdensome because it does not designate any particular date or dates for which the information is sought, nor does it define the term "labor force." This interrogatory, taken together with the other interrogatories propounded in Plaintiff's First Set of Interrogatories, violates paragraph 2(b) of the Rule 16 Scheduling Order in this case, which provides that each party may not propound more than 50 interrogatories to any other party. Interrogatory No. 1 consists of seven subparts. Interrogatory No. 4 consists of 22 subparts because it asks Defendant to provide two categories of information (that is, (1) state names and addresses of all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 11 affirmative defenses in Defendant's City of Wilmington's Answer to the Complaint. Plaintiff's Interrogatory No. 8, as amended in accordance with an email message from counsel for Plaintiff,

consists of 90 subparts because it asks Defendant to provide two categories of information (that is, (1) describe all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 45 denials in Defendant's City of Wilmington's Answer to the Complaint. There are also six other interrogatories, for a total of more than 100 interrogatories, including subparts.

Subject to and without waiving this objection, Defendant City of Wilmington refers Plaintiff to the following documents: D00832-842, D03153-3160.

3. Identify the percentages by race for the labor force in the Wilmington Police Department from 1997 to the present.

ANSWER: Objection. This interrogatory is vague, overbroad and unduly burdensome because it does not designate any particular date or dates for which the information is sought, nor does it define the term "labor force." This interrogatory, taken together with the other interrogatories propounded in Plaintiff's First Set of Interrogatories, also violates paragraph 2(b) of the Rule 16 Scheduling Order in this case, which provides that each party may not propound more than 50 interrogatories to any other party. Interrogatory No. 1 consists of seven subparts. Interrogatory No. 4 consists of 22 subparts because it asks Defendant to provide two categories of information (that is, (1) state names and addresses of all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 11 affirmative defenses in Defendant's City of Wilmington's Answer to the Complaint. Plaintiff's Interrogatory No. 8, as amended in accordance with an email message from counsel for Plaintiff, consists of 90 subparts because it asks Defendant to provide two categories of information (that is, (1) describe all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 45 denials in Defendant's City of

Wilmington's Answer to the Complaint. There are also six other interrogatories, for a total of more than 100 interrogatories, including subparts.

Subject to and without waiving this objection, Defendant City of Wilmington refers Plaintiff to the following documents: D00832-842, D03161-3166.

4. If in your Answer you have raised any affirmative defenses, state, individually for each such defense, the names and present or last known addresses of all persons having knowledge of any such facts, and the description or designation of each document, as defined in Rule 34(a), which in any way records or refers to any such facts.

ANSWER: Objection. This interrogatory, taken together with the other interrogatories propounded in Plaintiff's First Set of Interrogatories, violates paragraph 2(b) of the Rule 16 Scheduling Order in this case, which provides that each party may not propound more than 50 interrogatories to any other party. Interrogatory No. 1 consists of seven subparts. This interrogatory consists of 22 subparts because it asks Defendant to provide two categories of information (that is, (1) state names and addresses of all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 11 affirmative defenses in Defendant's City of Wilmington's Answer to the Complaint. Plaintiff's Interrogatory No. 8, as amended in accordance with an email message from counsel for Plaintiff, consists of 90 subparts because it asks Defendant to provide two categories of information (that is, (1) describe all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 45 denials in Defendant's City of Wilmington's Answer to the Complaint. There are also six other interrogatories, for a total of more than 100 interrogatories, including subparts.

Subject to and without waiving this objection, Defendant answers as follows:

1. **First Affirmative Defense** (All of Defendant's actions with regard to Plaintiff were taken in good faith and for legitimate non-discriminatory reasons.)

- a. Persons with knowledge: Mayor James M. Baker.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

2. **Second Affirmative Defense** (Plaintiff has failed to state a claim on which relief can be granted.)

- a. Persons with knowledge: Not applicable.
- b. Documents: Not applicable.

3. **Third Affirmative Defense** (The actions and conduct of the Defendant do not rise to the level of a constitutional or statutory violation and, therefore, Plaintiff did not suffer any infringement of her constitutional rights or rights secured by a federal statute.)

- a. Persons with knowledge: Not yet determined.
- b. Documents: Not yet determined.

4. **Fourth Affirmative Defense** (Plaintiff is not entitled to punitive damages, nor is the Defendant subject to an award of punitive damages.)

- a. Persons with knowledge: Not applicable.
- b. Documents: Not applicable.

5. **Fifth Affirmative Defense** (Defendant City of Wilmington has not authorized or ratified any discriminatory actions in the appointment of Police Department Inspectors.)

- a. Persons with knowledge: James M. Baker.
- b. Documents: Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

6. **Sixth Affirmative Defense** (Plaintiff's claims are barred in whole or in part because Defendant exercised reasonable care to prevent and correct any discriminatory or retaliatory treatment, and Plaintiff unreasonably failed to take advantage of these preventative and corrective opportunities or to avoid harm otherwise.)

- a. Persons with knowledge: James M. Baker, Nancy Dietz.
- b. Documents: P023-24, P027-28, P032, P039, P041, P049, P055-070, P079, P084, D843, D844-849, D00850-869, D00870-889, D02570, D02571, D02574, D02720-2748.

7. **Seventh Affirmative Defense** (The actions of Defendants are not an actual or proximate cause of any damage or harm suffered by Plaintiff.)

- a. Persons with knowledge: James M. Baker.
- b. Documents: Not yet determined.

8. **Eighth Affirmative Defense** (Plaintiff's claims may be barred in whole or in part by the doctrine of after-acquired evidence. Defendant reserves the right to raise any defense that becomes known during the course of discovery in this action, including, without limitation, defenses based on the after-acquired evidence doctrine.)

a. Persons with knowledge: Chief Harry Manelski, Nancy Dietz, Richard Iardella, Robert Longyear, Preston Hickman.

b. Documents: D02449; D03424.

9. **Ninth Affirmative Defense** (Plaintiff's claims are barred in whole or in part by the statute of limitations.)

a. Persons with knowledge: All persons with knowledge of the fact that James Wright was appointed to the rank of Inspector on February 17, 2001.

b. Documents: Not yet determined.

10. **Tenth Affirmative Defense** (Plaintiff's claims are barred in whole or in part by the doctrine of laches.)

a. Persons with knowledge: All persons with knowledge of the fact that James Wright was appointed to the rank of Inspector on February 17, 2001.

b. Documents: Not yet determined.

11. **Eleventh Affirmative Defense** (The actions and conduct of the Defendant were consistent with the City of Wilmington's equal employment opportunity policy.)

a. Persons with knowledge: James M. Baker, William Montgomery.

b. Documents: P023-24, P027-28, P032, P039, P041, P049, P055-070, P079, P084, D843, D844-849, D00850-869, D00870-889, D02570, D02571, D02574, D02720-2748.

5. Identify each person who has been interviewed on your behalf or from whom an oral or written statement has been taken concerning the facts alleged in any pleading.

ANSWER: Objection. This interrogatory seeks information protected by the attorney work product doctrine, attorney client privilege, or both. In addition, this interrogatory, taken together with the other interrogatories propounded in Plaintiff's First Set of Interrogatories, violates paragraph 2(b) of the Rule 16 Scheduling Order in this case, which provides that each party may not propound more than 50 interrogatories to any other party. Interrogatory No. 1 consists of seven subparts. Interrogatory No. 4 consists of 22 subparts because it asks Defendant to provide two categories of information (that is, (1) state names and addresses of all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 11 affirmative defenses in Defendant's City of Wilmington's Answer to the Complaint. Plaintiff's Interrogatory No. 8, as amended in accordance with an email message from counsel for Plaintiff, consists of 90 subparts because it asks Defendant to provide two categories of information (that is, (1) describe all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 45 denials in Defendant's City of Wilmington's Answer to the Complaint. There are also six other interrogatories, for a total of more than 100 interrogatories, including subparts.

6. Identify each person who has supplied information for the answers to each of these interrogatories and all requests for production of documents filed by Plaintiff.

ANSWER: Objection. This interrogatory seeks information protected by the attorney work product doctrine, attorney client privilege, or both. In addition, this interrogatory, taken together with the other interrogatories propounded in Plaintiff's First Set of Interrogatories, violates paragraph 2(b) of the Rule 16 Scheduling Order in this case, which provides that each party may not propound more than 50 interrogatories to any other party. Interrogatory No. 1 consists of seven subparts. Interrogatory No. 4 consists of 22 subparts because it asks Defendant

to provide two categories of information (that is, (1) state names and addresses of all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 11 affirmative defenses in Defendant's City of Wilmington's Answer to the Complaint. Plaintiff's Interrogatory No. 8, as amended in accordance with an email message from counsel for Plaintiff, consists of 90 subparts because it asks Defendant to provide two categories of information (that is, (1) describe all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 45 denials in Defendant's City of Wilmington's Answer to the Complaint. There are also six other interrogatories, for a total of more than 100 interrogatories, including subparts.

7. Identify each person whom you expect to call as an expert witness at trial, and state the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, a summary of the grounds for each opinion, and the dates of any reports relating thereto.

ANSWER: Objection. This interrogatory, taken together with the other interrogatories propounded in Plaintiff's First Set of Interrogatories, violates paragraph 2(b) of the Rule 16 Scheduling Order in this case, which provides that each party may not propound more than 50 interrogatories to any other party. Interrogatory No. 1 consists of seven subparts. Interrogatory No. 4 consists of 22 subparts because it asks Defendant to provide two categories of information (that is, (1) state names and addresses of all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 11 affirmative defenses in Defendant's City of Wilmington's Answer to the Complaint. Plaintiff's Interrogatory No. 8, as amended in accordance with an email message from counsel for Plaintiff, consists of 90 subparts because it asks Defendant to provide two categories of information (that is, (1) describe all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 45 denials in Defendant's City of Wilmington's Answer to the

Complaint. There are also six other interrogatories, for a total of more than 100 interrogatories, including subparts.

Subject to and without waiving these objections, Defendant City of Wilmington has not yet determined whether it will call any expert witnesses at trial and reserves the right to supplement its answer to this interrogatory when and if it decides to call one or more expert witnesses.

8. For each denial or partial denial found in your Answer, which denies in whole or in part any allegation of the Complaint, state the names and last known addresses of all persons having knowledge of such facts, and the description or designation of each document, as defined in Rule 34(a), which in any way records or refers to such facts.

ANSWER: Objection. This interrogatory, taken together with the other interrogatories propounded in Plaintiff's First Set of Interrogatories, violates paragraph 2(b) of the Rule 16 Scheduling Order in this case, which provides that each party may not propound more than 50 interrogatories to any other party. Interrogatory No. 1 consists of seven subparts. Interrogatory No. 4 consists of 22 subparts because it asks Defendant to provide two categories of information (that is, (1) state names and addresses of all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 11 affirmative defenses in Defendant's City of Wilmington's Answer to the Complaint. Plaintiff's Interrogatory No. 8, as amended in accordance with an email message from counsel for Plaintiff, consists of 90 subparts because it asks Defendant to provide two categories of information (that is, (1) describe all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 45 denials in Defendant's City of Wilmington's Answer to the Complaint. There are also six other interrogatories, for a total of more than 100 interrogatories, including subparts.

Subject to and without waiving these objections, Defendant City of Wilmington responds as follows. With regard to the denials found in paragraphs 10-18, 67, 72 and 79 of the Amended Answer, Defendant City of Wilmington did not have sufficient information to determine the truthfulness of the allegations in the Complaint and therefore denied them. With regard to the other denials in the complaint, Defendant City of Wilmington responds as follows:

(1) Paragraph 20:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(2) Paragraph 23:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084);

Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(3) Paragraph 24:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(4) Paragraph 25:

a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(5) Paragraph 26:

a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843,

D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(6) Paragraph 27:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(7) Paragraph 33:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter

§ 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(8) Paragraph 34:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(9) Paragraph 35:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084);

Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(10) Paragraph 36:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(11) Paragraph 39:

a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(12) Paragraph 40:

a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843,

D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(13) Paragraph 41:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(14) Paragraph 42:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter

§ 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(15) Paragraph 43:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(16) Paragraph 44:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084);

Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(17) Paragraph 45:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(18) Paragraph 46:

a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(19) Paragraph 47:

a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843,

D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(20) Paragraph 48:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(21) Paragraph 49:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter

§ 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(22) Paragraph 50:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(23) Paragraph 51:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084);

Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(24) Paragraph 52:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(25) Paragraph 53:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(26) Paragraph 54:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843,

D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(27) Paragraph 55:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(28) Paragraph 56:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter

§ 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(29) Paragraph 57:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(30) Paragraph 58:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084);

Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(31) Paragraph 59:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: P023-24, P027-28, P032, P039, P041, P049, P055-070, P079, P084, D843, D844-849, D00850-869, D00870-889, D02570, D02571, D02574, D02720-2748.

(32) Paragraph 60:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209

(P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(33) Paragraph 62:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(34) Paragraph 63:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029);

Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(35) Paragraph 64:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(36) Paragraph 71:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(37) Paragraph 72:

a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(38) Paragraph 73:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(39) Paragraph 74:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869,

D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(40) Paragraph 77:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(41) Paragraph 78:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington

City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(42) Paragraph 81:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.
- b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(43) Paragraph 82:

- a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(44) Paragraph 83:

a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

(45) Paragraph 86:

a. Persons with knowledge: James M. Baker, William Montgomery and James Mosley.

b. Documents: Wilmington City Charter § 1-103 (P023-24); Wilmington City Charter § 2-339(e)(2) (P048); Wilmington City Charter § 2-339(h)(4) (P049, P084); Wilmington City Charter § 3-102 (P027-28); Wilmington City Charter § 3-303 (P029); Wilmington City Charter § 3-404; Wilmington City Charter § 3-701 (P032); Wilmington City Charter § 3-702 (P032); Wilmington City Charter § 4-200; Wilmington City Charter § 7-101; Wilmington City Charter § 7-204 (P039); Wilmington City Charter § 9-209 (P041); City of Wilmington EEO Affirmative Action Plan (P055-070, D00850-869, D00871-889); City of Wilmington Executive Order Policy Statement (P079, D00843, D00870); City of Wilmington Personnel Policy 101.1 (D00844-849); Wilmington City Code § 35-111.

9. Identify all documents, including all electronic documents, text messages or e-mail that refers or relates to either of the two promotions at issue in this case, or the selection of Gilbert Howell and James Wright and the decision not to select Plaintiff.

ANSWER: Objection. This interrogatory, taken together with the other interrogatories propounded in Plaintiff's First Set of Interrogatories, violates paragraph 2(b) of the Rule 16 Scheduling Order in this case, which provides that each party may not propound more than 50 interrogatories to any other party. Interrogatory No. 1 consists of seven subparts. Interrogatory No. 4 consists of 22 subparts because it asks Defendant to provide two categories of information (that is, (1) state names and addresses of all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 11 affirmative defenses in Defendant's City of Wilmington's Answer to the Complaint. Plaintiff's Interrogatory

No. 8, as amended in accordance with an email message from counsel for Plaintiff, consists of 90 subparts because it asks Defendant to provide two categories of information (that is, (1) describe all persons with knowledge of certain facts, and (2) describe all documents recording or referring to such facts) for each of the 45 denials in Defendant's City of Wilmington's Answer to the Complaint. There are also six other interrogatories, for a total of more than 100 interrogatories, including subparts.

Subject to and without waiving these objections, see D00001- D03144.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

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Counsel for Defendant City of Wilmington

Dated: June 21, 2007

ORIGINAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CAPTAIN NANCY S. DIETZ,

Plaintiff,

V.

JAMES M. BAKER, individually and in his §
official capacity as the Mayor of the City of §
Wilmington; and MAYOR AND COUNCIL §
OF WILMINGTON, a municipal §
corporation, §

Defendants.

C.A. No. 06-256 (SLR)

**DEFENDANT JAMES M. BAKER'S ANSWERS AND
OBJECTIONS TO PLAINTIFF'S FIRST SET OF INTERROGATORIES**

Defendant James M. Baker (the “Defendant”), individually and in his capacity as Mayor of the City of Wilmington, by and through his attorneys hereby answers and objects to plaintiff Nancy S. Dietz’s (“Plaintiff”) First Set of Interrogatories (“Interrogatories”) as follows:

GENERAL OBJECTIONS

1. Defendant makes these answers and responses based on information currently available after making a reasonable inquiry. Defendant has not completed his investigation into the facts of this case or its preparations for trial. Accordingly, Defendant reserves the right to amend, supplement, modify, or correct this response as additional information and/or documents are identified and/or become available. In addition, these objections are made without prejudice to Defendant's right to present additional or other evidence or contentions in a motion for summary judgment, at trial, or otherwise, based on information hereafter obtained or developed.

2. Defendant objects to supplementing its responses to the Interrogatories to the extent not expressly required by the Federal Rules of Civil Procedure.

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3. Defendant objects to the Definitions and Instructions of the Interrogatories to the extent they violate the attorney-client privilege and work product immunity, or any other privileges or immunities.

4. Defendant objects to the Interrogatories to the extent that Plaintiff seeks information protected by the attorney-client privilege and work product immunity, or any other privileges or immunities. The fact that Defendant does not specifically object to an individual Interrogatory on the ground that it seeks privileged or protected information or documents shall not be deemed a waiver of the protection provided by such privilege.

5. Defendant objects to the production of information already in the possession, custody, or control of Plaintiff or Plaintiff's attorneys and to the production of documents which are matters of public record.

6. Defendant objects to the Interrogatories to the extent they seek information that is proprietary and/or confidential.

7. Defendant objects to the Interrogatories to the extent the Interrogatories and/or the Definitions and Instructions are vague, overbroad, or unduly burdensome.

8. Defendant objects to the Interrogatories to the extent that they exceed the scope of Rule 26, in that the information sought is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

9. Defendant reserves the right to disclose the nature of any documents, communications, or things not produced or disclosed on account of attorney-client privilege, work product immunity, or any other privileges or immunities in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the

applicability of the privilege, and states that it will make such disclosures at a mutually agreeable time and place.

10. Defendant reserves the right to produce documents called for by the Interrogatories at or near the place where they are kept in the ordinary course of business. Plaintiff also reserves the right to produce only the responsive portions of documents where such documents also contain information which is not relevant to this matter.

11. Defendant objects to these Interrogatories because including discrete subparts, that are to be included in totaling the number of interrogatories, these Interrogatories exceed the maximum number of interrogatories, 50, allowed by the scheduling order entered in this action on October, 24, 2006 [D.I. 15]. Interrogatory 8, standing alone exceeds this maximum number as it requests two different pieces of information, identification of persons with knowledge and documents pertaining thereto, for each denial contained in Defendant's Answer, which contains 53 denials. Therefore, these interrogatories exceed the maximum allowed by Order of the presiding Court.

12. These General Objections apply to each Interrogatory as though fully restated therein. The failure to mention any of the foregoing General Objections in the specific responses set forth below shall not be deemed a waiver of such objection or limitation.

SPECIFIC ANSWERS AND OBJECTIONS

1. Identify by name, last known address and phone number, job title, term in office, gender and race of each person who has held the rank of Inspector with the Wilmington Police Department from 1950 through the present date.

RESPONSE: Defendant objects to this Interrogatory to the extent it is overly broad and unduly

burdensome. Defendant objects to this Interrogatory to the extent it seeks information not within Defendant's possession, custody or control. Defendant objects to this Interrogatory to the extent it seeks information that is not relevant and is not likely to lead to the discovery of admissible evidence. Subject to the foregoing general and specific objections, Defendant is providing the requested information for the time period addressed in the Complaint (from 1980) that it has been able to locate from the City's records at this time:

Name	Term in Office (Active Duty)	Title	Race
Keith Ash	3/7/97-2/20/98		African-American
Michael A. Boykin	11/4/95-3/6/97		African-American
Charles E. Bryan, III	12/15/78-2/16/82		White
Lawrence H. Curtis	10/14/81- 9/1/83		White
R. Michael Dixon	2/5/93-9/22/95		African-American
John G. P. Doherty	1/29/83 – 9/17/86		White
Martin Donohue	7/31/99- present	Investigative Operations Inspector	White
Charles A. Dougherty	7/2/83 – 3/3/90		White
William Draper	5/8/89 - 10/18/94		White
Stanley Friedman	4/3/79 – 2/24/84		White
Preston J. Hickman	9/30/87-7/7/89		African-American
Gilbert Howell	10/29/05 to present	Uniformed Operations Inspector	African-American
Ronald Huston	5/22/99-7/30/99	Investigative Operations Inspector	White
John W. Johnson	10/12/81-12/12/87		African-American
Richard LaFashia	2/8/89-5/7/89		White
Eugene G. Maloney	10/16/73 - 12/15/83		White
Kenneth Miles	7/6/78-3/6/82		African-American

Name	Term in Office (Active Duty)	Title	Race
John T. Murray	3/22/97-5/21/99		White
Donald Payne	5/16/83-3/21/89		White
Samuel D. Pratcher	7/3/89-1/7/93		African-American
Guy Sapp	9/30/87-12/21/88		White
James Stallings	2/20/98-2/16/01	Uniformed Operations Inspector	African-American
John P. Vignola	10/29/94 - 3/7/97		White
James Wright	2/17/01-10/28/05	Uniformed Operations Inspector	African-American

2. Identify the percentages by gender for the labor force in the Wilmington Police Department from 1997 to the present.

RESPONSE: Defendant objects to this Interrogatory to the extent it is vague. Defendant objects to this Interrogatory to the extent it seeks information not within Defendant's possession, custody or control. Defendant objects to this Interrogatory to the extent it seeks information that is not relevant or is not likely to lead to the discovery of admissible evidence. Subject to the foregoing general and specific objections, Defendant has produced the relevant, non-privileged documents responsive to this request; see generally D00832-842, D003153-3160.

3. Identify the percentages by race for the labor force in the Wilmington Police Department from 1997 to the present.

RESPONSE: Defendant objects to this Interrogatory to the extent it is vague. Defendant objects to this Interrogatory to the extent it seeks information not within Defendant's possession, custody or control. Defendant objects to this Interrogatory to the extent it seeks information that is not relevant or is not likely to lead to the discovery of admissible evidence. Subject to the

foregoing general and specific objections, Defendant has produced the relevant, non-privileged documents responsive to this request; see generally D00832-842, D03161-D03166.

4. If in your Answer you have raised any affirmative defenses, state, individually for each such defense, ~~all facts supporting it~~ (stricken by designation of Plaintiff's counsel), the names and present or last known addresses of all persons having knowledge of any such facts, and the description or designation of each document, as defined in Rule 34(a), which in any way records or refers to any such facts.

RESPONSE: The Mayor objects to this request as overly broad and unduly burdensome. The Mayor objects to this request to the extent it seeks information protected by the attorney-client and/or work product privileges. The Mayor objects to this interrogatory to the extent it seeks information in the Plaintiff's possession, custody or control. Subject to the foregoing general and specific objections, the Mayor's response is as follows:

- Failure to state a claim on which relief can be granted (Am. Ans. ¶87). The requested information is inapplicable to this defense.
- Plaintiff did not suffer any infringement of her constitutional rights (Am. Ans. ¶88). Persons and documents have not yet been identified to this defense. This response will be amended to the extent required by the Federal Rules of Procedure.
- Plaintiff's claims are barred in whole or in part by the statute of limitations (Am. Ans. ¶89). All persons with knowledge of the date of James Wright's appointment as of February 17, 2001, including, but not limited to, Defendant, Director James Mosley, Chief Michael Szczerba. All documents reflecting James Wright's appointment on February 17, 2001.

- Plaintiff's claims are barred in whole or in part by the doctrine of laches (Am. Ans. ¶90). All persons with knowledge of the date of James Wright's appointment as February 17, 2001, including, but not limited to, Defendant, Director James Mosley, Chief Michael Szczerba. All documents reflecting James Wright's appointment on February 17, 2001.

- Plaintiff is not entitled to punitive damages (Am. Ans. ¶91). The information requested is inapplicable to this defense.

- Qualified immunity (Am. Ans. ¶92). Defendant. All documents referring or relating to the City of Wilmington's equal employment opportunity policies including, but not limited to, D0828-0831, D0843-0889 and P23-48, P55-70.

- Good faith performance of official duties (Am. Ans. ¶93). Defendant. All documents referring or relating to the City of Wilmington's equal employment opportunity policies including, but not limited to, D0828-0831, D0843-0889 and P23-48, P55-70.

- Legitimate non-discriminatory reasons (Am. Ans. ¶94). Defendant. All documents referring or relating to the City of Wilmington's equal employment opportunity policies including, but not limited to, D0828-0831, D0843-0889 and P23-48, P55-70.

- Defendant's actions did not cause plaintiff harm (Am. Ans. ¶95). Defendant. No documents have yet been identified to this defense.

- Actions are consistent with City's equal employment policy (Am. Ans. ¶96). Defendant, William Montgomery. All documents referring or relating to the City of Wilmington's equal employment opportunity policies including, but not limited to, D0828-0831, D0843-0889 and P23-48, P55-70.

• After-acquired evidence (Am. Ans. ¶97). No persons or documents have yet been identified to this defense. This response will be supplemented as required by the Federal Rules of Civil Procedure.

5. Identify each person who has been interviewed on your behalf or from whom an oral or written statement has been taken concerning the facts alleged in any pleading.

RESPONSE: Defendant objects to this request to the extent it seeks information protected by the attorney-client and/or work product privileges.

6. Identify each person who has supplied information for the answers to each of these interrogatories and all requests for production of documents filed by Plaintiff.

RESPONSE: Defendant objects to this request to the extent it seeks information protected by the attorney-client and/or work product privileges.

7. Identify each person whom you expect to call as an expert witness at trial, and state the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, a summary of the grounds for each opinion, and the dates of any reports relating thereto.

RESPONSE: Defendant objects to this request as premature. Subject to the foregoing general and specific objections, as of the date of this response, Defendant has not identified an expert witness for trial. When an expert is identified, Defendant will supplement this response as required by the Federal Rules of Civil Procedure.

8. For each denial or partial denial found in your Answer, which denies in whole or in part any allegation of the Complaint, ~~state all facts upon which said denial or partial denial is~~

based (stricken by designation of Plaintiff's counsel), the names and last known addresses of all persons having knowledge of such facts, and the description or designation of each document, as defined in Rule 34(a), which in any way records or refers to such facts.

RESPONSE: Defendant objects to this request as overly broad and unduly burdensome. Defendant objects to this request to the extent it seeks information protected by the attorney-client and/or work product privileges. Subject to the foregoing general and specific objections, Defendant responds as follows:

For paragraphs 10 through 18, 42, 67, 77 and 84, the denials were based on the lack of sufficient information to respond. Paragraphs 43, 56, 58 through 60, 64, 72 through 74, 82, 83, and 86 all state legal conclusions. Therefore, the information requested for these denials is inapplicable.

For paragraphs 20, 22, 23 through 27, 33 through 36, 39 through 41, 44 through 55, 62, and 63 the persons with knowledge include the Mayor, William Montgomery and James Mosley. The documents supporting these denials are all documents referring or relating to the City of Wilmington's equal employment opportunity policies including, but not limited to, D0828-0831, D0843-0889 and P23-48, P55-70. For paragraphs 71 and 81 the persons with knowledge include the Mayor, William Montgomery and James Mosley. The documents supporting this denial are all documents referring or relating to the City of Wilmington's equal employment opportunity policies including, but not limited to, D00828-00831, D00843-00889 and P23-48, P55-70 and documents relating to the qualifications of the individuals including, but not limited to, D01466-1789, D01838-1879, D01926-1956, D02171-2216, D03174-3176.

9. Identify all documents, including all electronic documents, text messages or e-

mail that refers or relates to either of the two promotions at issue in this case, or the selection of Gilbert Howell and James Wright and the decision not to select Plaintiff.

RESPONSE: Defendant objects to this request as overly broad and unduly burdensome. Defendant objects to this request to the extent it seeks information protected by the attorney-client and/or work product privileges. Subject to the foregoing general and specific objections, Defendant has produced all relevant, non-privileged documents responsive to this request.

LANDIS RATH & COBB LLP

A handwritten signature in dark ink, appearing to read "Daniel B. Rath", is written over a horizontal line.

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and in his official capacity as Mayor of the
City of Wilmington

Dated: March 14, 2007

**SEALED
DOCUMENTS
(A0426 - 0793)**